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10/557,107	12/29/2006	Nicolaas Theunis Rudie van As	242153	5350

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EXAMINER
CHOO, MUNSOON

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because in figure 3, reference 304: According to paragraph [0027], the communication is sent on to the sender, instead of the recipient. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claim 1-8 are rejected under 35 U.S.C. 102(b) as anticipated by Kanerva, Mikko

(WO 02/054803 A1, hereinafter "Kanerva").

Re claim 1, Kanerva discloses a method for processing digital communication traffic in a

network comprising a central communication processing structure including a communication

server and a system server and a number of distributed devices of users designed for

communication with the central communication processing structure, comprising:

(Kanerva, abstract: Message Centre (MC) is the communication server. The third party

(retrieves information from a database (DB), and adds said information to the message)

or the MC can be the system server)

the communication server receiving a communication coming from one of the distributed

devices which communication is addressed to another one of the distributed devices, and, in

reaction to a code in the communication, sending the communication to the system server;

(Figure 1, reference 1c: Since advertisement is being added, then claimed system server

is disclosed)

(Abstract: There must be a code (inherent) to indicate an advertiser's account in the

billing database 31, before the advertisement can be attached to the message or before

the charges can be incurred to the advertiser's account)

(Page 2, lines 18-30: In first embodiment, the advertisement is added from the MC, in

second embodiment, the advertisement is added from the subscriber A's terminal. There

should be a code to inform MC whether to add (first embodiment) advertisement or not

(second embodiment))

(Page 3, lines 28-36: a list of advertisers (refer to code))

the system server checking whether the received communication meets at least one condition

applicable to the communication or the sender;

(Page 2, lines 18-30: MC adds advertisement, which requires condition to be met)

(Page 3, lines 28-36: Requires allowance from subscriber A)

adding a message to the communication in reaction to meeting the condition and

sending the communication including the added message to the communication server; and

(Page 2, lines 18-30: MC adds advertisement, which requires condition to be met)

(Abstract: A third party retrieves information (adds advertisement information) into the

message and transmits (via communication server) to the recipient)

the communication server receiving back the communication from the system server and

sending the communication which has been received back to the addressed device.

(Page 2, lines 18-30, abstract)

     Re claim 2, Kanerva discloses A method according to claim 1, wherein the check

comprises: checking whether a coding of the device from which the received communication

has been received meet a criterion.

(Abstract)

(Page 2, lines 18-30)

(Page 3, lines 28-36)

     Re claim 3, Kanerva discloses A method according to claim 1, wherein the check

comprises: selecting a message from a number of messages depending on the result of the

check.

(Page 3 lines 28-36: The advertisements allowed (messages selected) by subscriber A)

     Re claim 4, Kanerva discloses A method according to claim 3, wherein selecting a

message from a number of messages takes place depending on a code included by the user in

the received communication.

(Page 3 lines 28-36: Depends on the advertisements allowed by subscriber A)

Re claim 5, Kanerva discloses A method according to claim 3, wherein selecting takes place depending on variable data determined upon sending the communication which relate to the sender or the recipient, such as date and/or time and/or location of the sender or the recipient.

(Note: Selection can depend on variable data such as :)

(Page 4 line 11-13: Advertisement related to sports gear, preferred by subscriber A)

(Page 4 line 23-25: Topics picked by subscriber B)

(Page 4 line 35-36: Be selected on criteria set by a network operator, a regulator or a religious instance)

(Note: Variable data can be anything, thus it has a rational for modifications)

Re claim 6, Kanerva discloses A method according to claims 3, wherein selecting takes place depending on data stored in advance related to the sender or the recipient.

(Page 4 lines 18-23)

Re claim 7, Kanerva discloses A method according to claim 1, further comprising registering, for at least a number of the devices or users, data related to sent communications and the messages added to them for each device or each user separately, and

(Page 3 lines 28-36: Subscriber A has been registered because the database has a list of advertisements that are allowed by subscriber A)

(Abstract: Billing database 31)

recording data in at least one payment file depending on mutations of data related to sent communications and the messages added to them.

(Abstract: Data can be recorded into billing database, and said data can be retrieved into

a report (file))

Re claim 8, this claim of a communication processing structure corresponds to

the method claim 1, and therefore, the analysis of rejections has already been done.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUNSOON CHOO whose telephone number is (571)270-7140. The examiner can normally be reached on Monday through Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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